CITY COUNCIL AGENDA REPORT

City of Anaheim
OFFICES OF THE CITY CLERK AND CITY ATTORNEY

DATE: JUNE 27, 2023
FROM: OFFICES OF THE CITY CLERK AND CITY ATTORNEY
SUBJECT: CALLING SPECIAL ELECTION FOR THE HOTEL AND EVENT CENTER MINIMUM WAGE, WORKER RETENTION, AND HOTEL WORKER SAFETY AND WORKLOAD INITIATIVE, REQUESTING THE ORANGE COUNTY BOARD OF SUPERVISORS TO DIRECT THE ORANGE COUNTY REGISTRAR OF VOTERS TO RENDER SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION; ESTABLISHING THE DEADLINES FOR THE FILING OF ARGUMENTS AND REBUTTAL ARGUMENTS; AND DIRECTING THE CITY ATTORNEY TO PREPARE AN IMPARTIAL ANALYSIS

ATTACHMENT (Y/N): YES ITEM # 25
GOVERNMENT CODE § 84308 APPLIES: NO

ACTION:
That the City Council take the following actions:

1. By Resolution, call and give notice of the holding of a Special Municipal Election to be held on Tuesday, October 3, 2023 and order the submission to the qualified electors of the City of Anaheim an initiative measure; request the Orange County Board of Supervisors to direct the Orange County Registrar of Voters to render services to the City relating to the conduct of a special municipal election; establish the deadlines for the filing of arguments and rebuttal arguments; and direct the City Attorney to prepare an impartial analysis.

2. By Motion, decide whether to submit an argument against the ordinance proposed by the initiative measure as provided in California Elections Code 9282, and if submitting an argument against the ordinance, designate the author of the argument.
DISCUSSION:

Background:

In accordance with the requirements of law, the City Clerk accepted for filing an initiative petition for the adoption of an ordinance that would require Anaheim hotels and event centers (including publicly or privately owned convention centers, concert halls, stadiums, and sports arenas of over 20,000 square feet) to pay their workers service charges and a minimum wage starting at $25/hour, and to retain most of their workers for at least 90 days after an ownership change, mandate the provision of electronic security devices to certain hotel workers, require overtime wages to hotel workers who exceed workload limits, and prohibit mandatory overtime. Copies of the Notice of Intent, Initiative Measure, and the ballot title and summary prepared by the City Attorney, are attached hereto and marked Attachment 1.

On May 16, 2023, the City Council accepted the certification of the Orange County Registrar of Voters (ROV) as to the verification of signatures of the initiative. The petition was certified to contain the signatures of not less than ten percent (10%) of the registered voters of the City of Anaheim. As a result and pursuant to City Charter Section 1303 and Section 9215 of the Elections Code of the State of California, the City Council considered (i) adopting the ordinance proposed by the initiative, without alteration, (ii) submitting the initiative measure, without alteration, to the voters, or (iii) ordering a report on the effect of the proposed initiative measure pursuant to Section 9212 of the Elections Code. The City Council directed staff to return with a report of the effect of the proposed initiative measure on June 13, 2023. At that meeting, staff presented a fiscal impact report from Beacon Economics, LLC and Baker Tilly US, LLP.

Following the receipt of the fiscal impact report, the City Council voted to submit the initiative measure, without alteration, to the voters at a special municipal election to be held on Tuesday, September 12, 2023, which was initially confirmed as a possible Special Election date by the Orange County Registrar of Voters.

Subsequently, challenges with the September 12, 2023 date for the special municipal election were communicated by the Registrar of Voters, Bob Page, regarding the timeframe to meet federally-mandated election code requirements and the printing deadlines for the voter information guide.

As a result, the action currently before the City Council is to change the date and call and order a special municipal election to be held on Tuesday, October 3, 2023. An election calendar for a special municipal election to be held on October 3, 2023, prepared by the ROV, is attached hereto and marked Attachment 2. The City Council’s timely decision on June 13, 2023 to submit the ordinance, without alteration, to the voters at a special municipal election stands. This proposed action before the City Council is to call and order the special municipal election within the timeframe required by law and make administrative decisions about the conduct of the election.
Item for Consideration and Action:

Attachment 3 is a resolution to call and give notice of the holding of a Special Municipal Election to be held on Tuesday, October 3, 2023 and other provisions, such as:

- Submission of Ballot Measure - Pursuant to Sections 1300 and 1303 of the Anaheim City Charter and Sections 1405 and 9215 of the California Elections Code, the City Council is calling a special municipal election for the purpose of submitting an initiative measure proposing a minimum wage and worker retention, safety and workload ordinance to the qualified voters of the City. The full text of the proposed ordinance to submitted to the voters is set forth as Exhibit 1 to the resolution. The resolution also establishes the following ballot language to be submitted to the voters:

<table>
<thead>
<tr>
<th>MEASURE _____</th>
<th>YES</th>
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<tr>
<td>HOTEL AND EVENT CENTER MINIMUM WAGE, WORKER RETENTION, AND HOTEL WORKER SAFETY AND WORKLOAD INITIATIVE ORDINANCE - Shall an ordinance be adopted to increase the hourly minimum wage payable to hotel and event center workers to $25, with a 3% minimum annual increase beginning in 2026, to afford temporary retention rights to such workers, and to require safety measures and workload restrictions for hotel workers?</td>
<td>NO</td>
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- Requesting the services of the Orange County Registrar of Voters - In accordance with Section 10002 of the California Elections Code, the City requests that the County render full election services relating to the conduct of a Special Election.
  - The City of Anaheim will be providing access to City facilities to the Orange County Registrar of Voters to serve as Vote Centers and provide in-person voting for voters.
  - Vote Centers for the election shall be open ten days prior to election day, with select Vote Centers being open during regular business hours, 8:00 a.m. to 5:00 p.m. seven (7) days prior to election day, all Vote Centers being open 8:00 a.m. to 8:00 p.m. three (3) days prior to election day, and 7:00 a.m. to 8:00 p.m. on election day, pursuant to Sections 4005(a)(10)(I)(VI) and 4005(a)(10)(I)(VI) of the California Elections Code and the 2021-2025 Election Administration Plan of the County of Orange.
• Ballot drop boxes shall be open for 29 days prior to the election, and on election day, and available 24 hours a day, 7 days a week, and until 8:00 p.m. on election day, pursuant to Sections 4005(a)(10)(l)(vi)(III) and 4005(a)(10)(l)(vi)(VI) of the California Elections Code and the 2021-2025 Election Administration Plan of the County of Orange.

• Arguments - Pursuant to California Elections Code Section 9282(a), the proponents of the initiative measure may file a written argument for, and the City Council may file a written argument against the ordinance, not exceeding 300 words. The filing deadline of the arguments is 5:00 p.m. on July 11, 2023.
  
  o Pursuant to California Elections Code Section 9283, no more than five signatures shall appear on each argument. If Council elects to submit an argument against the ordinance, in order to comply with the Brown Act, staff recommends that it designate three (3) or fewer of its members to author the argument against the ordinance on behalf of the City Council.

• Impartial Analysis - Direct the City Attorney to prepare an impartial analysis of the measure of up to 500 words. The filing deadline of the impartial analysis is 5:00 p.m. on July 11, 2023.

• Rebuttal Arguments - Pursuant to California Elections Code Section 9285, the authors or persons designated by them may prepare and submit rebuttal arguments, not exceeding 250 words. The filing deadline for rebuttals is 5:00 p.m. on July 21, 2023.

• All of the provisions of this resolution regarding arguments, rebuttals and the impartial analysis apply only to the special municipal election to be held on Tuesday, October 3, 2023.

IMPACT ON BUDGET:

The total estimated cost for a Stand-Alone (1 Measure) is between $1,477,297 - $1,632,776, which will be included in the proposed Fiscal Year (FY) 2023-2024 City Clerk Budget.

Respectfully submitted, 
Concurred by,

Theresa Bass Robert Fabela 
City Clerk City Attorney

Attachments:
1. Notice of Intent, Initiative Measure, and City Attorney Summary
2. Election Calendar
3. Resolution (Calling and Giving Notice of a Special Election)